

EXHIBIT 2 TO EVANS DECLARATION

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4

5 IN RE: HIGH-TECH EMPLOYEE)
6 ANTITRUST LITIGATION)
7) No. 11-CV-2509-LHK
8 THIS DOCUMENT RELATES TO:)
9 ALL ACTIONS.)
10 _____)
11

12 VIDEOTAPED DEPOSITION OF PATRICK FLYNN
13 Wednesday, April 3, 2013
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24 Reported By:
25 KATHLEEN WILKINS, CSR #10068, RPR-RMR-CRR-CCRR-CLR

02:25:33 1 A. I don't know. Towards the end of my
02:25:35 2 tenure. I -- I -- I don't recall.

02:25:42 3 Q. We'll get to this again later, but while
02:25:45 4 we're on the topic, do you recall Google's
02:25:49 5 do-not-call list --

02:25:51 6 A. Yes.

02:25:51 7 Q. -- being discussed -- I'm sorry --

02:25:53 8 A. Oh.

02:25:54 9 Q. -- being discussed at any of these
02:25:56 10 approximately 30 meetings you attended?

02:25:58 11 A. I don't recall that, no.

02:26:04 12 Q. You don't recall either way, or is it
02:26:05 13 your -- or is it your recollection that it was
02:26:06 14 never discussed?

02:26:08 15 A. I don't remember if it was discussed.

02:26:10 16 Q. Okay. Do you recall any discussions
02:26:14 17 about certain companies that were off limits from
02:26:22 18 a recruiting standpoint?

02:26:24 19 A. Verbal discussions. E-mail. I
02:26:28 20 remember --

02:26:30 21 Q. Well, let me -- sorry. Let me interrupt
02:26:30 22 you.

02:26:31 23 A. Sure.

02:26:32 24 Q. For the purpose of this question, I'm
02:26:34 25 only asking about the meetings of the EMG.

02:26:36 1 A. Oh, okay. Okay. No, not at all.

02:26:40 2 Q. Okay. Could you describe -- well, I
02:26:44 3 believe we talked about this a bit, but just to
02:26:46 4 fill it out, for the meetings of the EMG that you
02:26:49 5 attended, I believe you said that they discussed
02:26:51 6 recruiting, they discussed hiring.

02:26:54 7 Were there any other general topics of
02:26:56 8 discussion that you can recall?

02:27:00 9 A. There was probably small chitchat about
02:27:03 10 someone's weekend. But it would -- that meeting
02:27:06 11 was focused just on hiring of individuals. So
02:27:14 12 reviewing candidate profiles.

02:27:16 13 Q. And during this period, Google was
02:27:18 14 expanding rapidly, correct?

02:27:22 15 A. Mh-hmm, yes.

02:27:23 16 MR. RUBIN: Objection. Form.

02:27:24 17 BY MR. HARVEY:

02:27:25 18 Q. And so -- you know, I think I've heard
02:27:27 19 the phrase "scaling." That Google was attempting
02:27:31 20 to expand very quickly, and -- I'm sorry. Strike
02:27:35 21 that.

02:27:40 22 Was this rapid expansion of Google's
02:27:45 23 employees, did it seem to you that this was an
02:27:51 24 important issue to the members of the EMG during
02:27:53 25 these discussions?

02:32:52 1 Q. Was ATI a key vendor for Apple?

02:32:55 2 A. I -- I don't -- I don't know. I don't
02:32:57 3 know.

02:33:04 4 Q. Do you recall Google ever being on that
02:33:05 5 list?

02:33:06 6 A. I don't ever recall Google being a
02:33:08 7 company that we couldn't cold call folks.

02:33:16 8 Q. Okay. Do you recall Adobe being a -- a
02:33:20 9 hands-off company or a do-not-cold-call company?

02:33:23 10 A. I do recall Adobe being on the list.

02:33:26 11 Q. Do you have any understanding of why
02:33:27 12 Adobe was on the list?

02:33:28 13 A. I -- I don't.

02:33:29 14 Q. Okay.

02:33:30 15 A. I believe it was in regards to some
02:33:34 16 vendor relationship.

02:33:45 17 Q. Do you have any understanding of who was
02:33:47 18 responsible for putting a company on that list?

02:33:55 19 A. No, I don't.

02:33:57 20 Q. Do you have any understanding that
02:33:59 21 Steve Jobs had a role in the companies that appear
02:34:03 22 on that list?

02:34:04 23 MR. RUBIN: Objection. Form.

02:34:06 24 THE WITNESS: I'm -- I'm sure that Steve
02:34:08 25 had influence on that -- on that -- on that list.

04:40:32 1 Q. Okay. Okay. Do you ever recall any
04:40:52 2 conversations at Google where Google would talk
04:40:56 3 about who was on or off the do-not-call list that
04:41:01 4 other companies maintained?

04:41:05 5 A. I don't, no.

04:41:08 6 Q. Okay. I'll show you a document -- let's
04:41:16 7 see. Just give me one second.

04:41:20 8 MR. HARVEY: If you could please mark
04:41:21 9 this as the next exhibit, a document Bates-stamped
04:41:22 10 Google -520168.

04:41:22 11 (Whereupon, Deposition Exhibit 2795
04:41:22 12 was marked for identification.)

04:41:40 13 BY MR. HARVEY:

04:41:41 14 Q. And please let me know once you've had a
04:41:43 15 chance to look at it.

04:41:58 16 A. Okay. I'm finished.

04:42:00 17 Q. Okay. Who was Stephanie Johnson in May
04:42:03 18 of 2007 at Google?

04:42:05 19 A. Stephanie was a recruiter working on
04:42:10 20 leadership projects for engineering.

04:42:14 21 Q. Okay. And this is an e-mail exchange
04:42:17 22 between you and her on -- or between May 16th and
04:42:24 23 May 17th in 2007, correct?

04:42:26 24 A. Correct.

04:42:28 25 Q. Okay. And it starts with an e-mail from

1 I, Kathleen A. Wilkins, Certified
2 Shorthand Reporter licensed in the State of
3 California, License No. 10068, hereby certify that
4 the deponent was by me first duly sworn and the
5 foregoing testimony was reported by me and was
6 thereafter transcribed with computer-aided
7 transcription; that the foregoing is a full,
8 complete and true record of said proceedings.

9 I further certify that I am not of
10 counsel or attorney for either of any of the
11 parties in the foregoing proceeding and caption
12 named or in any way interested in the outcome of
13 the cause in said caption.

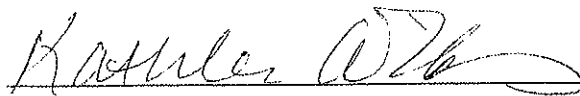
14 The dismantling, unsealing, or unbinding
15 of the original transcript will render the
16 reporter's Certificates null and void.

17 In witness whereof, I have hereunto set
18 my hand this day: April 4, 2013.

19 _____ Reading and Signing was requested.

20 _____ Reading and Signing was waived.

21 X Reading and signing was not requested.

22 
23 _____

24 KATHLEEN WILKINS, RPR, CRR, CCRR, CLR, CSR 10068
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